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11 City of Burbank

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
13 COUNTY OF LOS ANGELES -- CENTRAL DISTRICT  
14

15 CHRISTOPHER LEE DUNN,

16 Plaintiff,

17 v.

18 BURBANK POLICE DEPARTMENT,  
19 CITY OF BURBANK, and DOES 1  
Through 100, Inclusive,

20 Defendants.  
21  
22  
23  
24  
25

Case No. BC 417928

Assigned to the Honorable  
Alan S. Rosenfield, Dept. 31

Complaint filed: July 16, 2009

SEPARATE STATEMENT OF  
DEFENDANT'S SPECIAL AND FORM  
INTERROGATORIES AND PLAINTIFF'S  
RESPONSES IN DISPUTE

[Notice of Motion and Motion, Declaration of  
Robert J. Tyson and [Proposed] Order filed  
concurrently herewith]

Date: June 10, 2010  
Time: 8:30 a.m.  
Dept: 31

26 TO PLAINTIFF AND TO HIS COUNSEL OF RECORD:

27 Pursuant to Rule 3.1345 of the California Rules of Court, defendant City of Burbank  
28

CITY ATTORNEY  
2010 FEB 18 PM 2:19

1 ("City") submits the following Separate Statement of Special Interrogatories in Dispute in  
2 support of it's Motion to Compel Further Responses to Special and Form Interrogatories.

3 **SPECIAL INTERROGATORIES IN DISPUTE**

4 **SPECIAL INTERROGATORY NO.7:**

5 State each and every fact (including the speaker(s), the comments, and dates) that  
6 supports YOUR contention in paragraph 9 of YOUR COMPLAINT that YOU were "regularly  
7 called a "Jap".

8 **RESPONSE TO SPECIAL INTERROGATORY NO.7:**

9 Objection. Calls for legal conclusion and/or expert opinion beyond the purview of the  
10 Responding Party. Further, this interrogatory calls for speculation, lacks foundation and  
11 assumes facts not in evidence. Without waiving the foregoing objection, the Responding Party  
12 responds as follows: The Responding Party was repeatedly subjected to improper and  
13 inflammatory race-based comments by certain fellow officers. The comments included, without  
14 limitation, the following: Motorcycles were referred to as "rice rockets;" references were made  
15 to "DWA," which means "driving while Asian;" certain vehicles were referred to as "Jap  
16 makes;" Asians were called "Orientals;" Armenians were called "Armos," "Moes," "Sand  
17 Nigger," and "Ians," among other things; African-Americans were referred to as "Niggers,"  
18 "Dudes," "Nigras," and "Mud Ducks;" Hispanics were called "Paco," "JoseA," and "JoseB,"  
19 "Beaners," "Wetbecks," and "Spics;" the Responding Party was called a "Jap" and a "Nip,"  
20 "Gooks," and "Charlie," and references to World War II were also made. Discovery is ongoing  
21 and the Responding Party reserves the right to amend this response when more information  
22 becomes known.

23 **FACTUAL AND LEGAL REASONS FOR COMPELLING FURTHER RESPONSE TO**  
24 **SPECIAL INTERROGATORY NO. 7:**

25 Plaintiff's objections fail for a number of reasons. First, by not filing timely responses  
26 plaintiff has waived his objection. *Sinaiko Healthcare Consulting, Inc. v. Pacific Healthcare*  
27 *Consultants* (2007) 148 Cal.App.4<sup>th</sup> 390, 403-404 (citing C.C.P. §§ 2030.290, subd. (a);  
28 2031.300, subd. (a)). Second, the objections that the interrogatory lacks foundation and is not

1 full and complete in and of itself is so baseless as to be nonsensical and have no application based  
2 on a straightforward reading of the interrogatory. Some of these objections make no sense at all,  
3 and none of them should reasonably justify plaintiff's refusal to fully respond to this  
4 interrogatory. See C.C.P. § 2030.300(a)(3) (stating that a party may bring a motion to compel if  
5 an objection "is without merit or too general."); see, e.g., *Standon Co. v. Superior Court* (1990)  
6 225 Cal. App. 3d 898, 901 (noting that the responding party's numerous objections based on  
7 vagueness and ambiguity, for example, were merely "'nuisance' objection[s]" that could not be  
8 relied upon to refuse to respond to the propounding party's discovery requests).

9 In paragraph 9 of his complaint, plaintiff alleges that he was "regularly called a "Jap."  
10 This interrogatory asks that he elaborate on the facts, the dates and the context which support this  
11 allegation. Instead, plaintiff recites baseless objections and offers a list of allegedly  
12 "inflammatory raced based comments" without any further clarification. Plaintiff's response is  
13 clearly an attempt to obfuscate a simple question with an improper and much broader and vaguer  
14 response. This clearly violates plaintiff's duty to provide a straightforward response to this  
15 interrogatory.

16 Importantly, plaintiff never disputed these points when they were raised in the meet and  
17 confer letter. So, essentially, there is no dispute here, only a failure and refusal to provide a  
18 straightforward, full and complete response required by C.C.P. § 2030.220 (a) and (b), apparently  
19 to prevent City from adequately preparing for trial.

20  
21 **SPECIAL INTERROGATORY NO. 8 :**

22 Identify all witnesses (by name, address and telephone number) to the facts set forth in  
23 YOUR response to Interrogatory No. 7.

24 **RESPONSE TO SPECIAL INTERROGATORY NO. 8:**

25 Objection. Calls for speculation and the Responding Party lacks foundation with which  
26 to adequately respond. This interrogatory is not full and complete in and of itself. Without  
27 waiving the foregoing objection [sic]. The Responding Party responds as follows: Supervisors:  
28 Pat Lynch; Armen Dermenjian; John Murphy; Claudio Losacco; Dan Yadon; Jose Duran; Thor

1 Merich; Gerry Misquez; Eduardo Ruiz; Bill Taylor; Kelly Frank; JJ Puglisi; Ron Caruso; and  
2 Chris Canales [sic] Officers: Sam Anderson; Brian Gordon; Aron Kendrick; Mike Macias; John  
3 Pfrommer; Chris Racina; Chris Robarts; Ken Schiffner; Scott Meadows; Mitch Ross; Gary  
4 Seymour; Mike Reyes; Steve Karagosian; Celia Barber (Hawver); Cindy Guillen; Fernando  
5 Rojas; Scott Moody; Brian Cosakos; Fernando Munoz; Edeth Hartwick; Dan Arnold (Airport);  
6 Greg Kaufman; Mark Stohl; Henry Garay; Jamal Childs. Discovery is ongoing and the  
7 Responding Party reserves the right to amend this response when more information becomes  
8 known.

9 **FACTUAL AND LEGAL REASONS FOR COMPELLING FURTHER RESPONSE TO**  
10 **SPECIAL INTERROGATORY NO. 8:**

11 Plaintiff's objections fail for a number of reasons. First, by not filing timely responses  
12 plaintiff has waived his objection. *Sinaiko Healthcare Consulting, Inc. v. Pacific Healthcare*  
13 *Consultants* (2007) 148 Cal.App.4th 390, 403-404(citing C.C.P. §§ 2030.290, subd. (a);  
14 2031.300, subd. (a)). Second, the objections that the interrogatory lacks foundation and is not  
15 full and complete in and of itself is so baseless as to be nonsensical and have no application based  
16 on a straightforward reading of the interrogatory. Some of these objections make no sense at all,  
17 and none of them should reasonably justify plaintiff's refusal to fully respond to this  
18 interrogatory. See C.C.P. § 2030.300(a)(3) (stating that a party may bring a motion to compel if  
19 an objection "is without merit or too general."); see, e.g., *Standon Co. v. Superior Court* (1990)  
20 225 Cal. App. 3d 898, 901 (noting that the responding party's numerous objections based on  
21 vagueness and ambiguity, for example, were merely "'nuisance' objection[s]" that could not be  
22 relied upon to refuse to respond to the propounding party's discovery requests).

23 In paragraph 9 of his complaint, plaintiff alleges that he was "regularly called a "Jap."  
24 This interrogatory asks that he elaborate on the parties who witnessed this occurring, including  
25 giving addresses and telephone numbers. Instead, plaintiff recites baseless objections and offers a  
26 list of names without any further clarification. Due to Plaintiff's obfuscation of the response to  
27 Interrogatory No. 7, it is unclear if these people called plaintiff a "Jap" or heard plaintiff being  
28 called a "Jap" or if they are instead each witnesses to the dozen other terms or phrases improperly

1 lumped into the responses to the answer to Interrogatory No. 7.

2       Importantly, plaintiff's counsel never disputed these points when they were raised in the  
3 meet and confer letter. So, essentially, there is no dispute here, only a failure and refusal to  
4 provide a straightforward, full and complete response required by C.C.P. § 2030.220 (a) and (b),  
5 apparently to prevent City from adequately preparing for trial.

6  
7 **SPECIAL INTERROGATORY NO. 9:**

8       Identify all DOCUMENTS (by author, title, and date) that reflect, refer to, relate to or  
9 support the facts set forth in YOUR response to Interrogatory No. 7.

10 **RESPONSE TO SPECIAL INTERROGATORY NO. 9:**

11       Objection. Calls for legal conclusion and/or expert opinion beyond the purview of the  
12 Responding Party. This interrogatory is not full and complete in and of itself. Further this  
13 interrogatory calls for speculation, lacks foundation and assumes facts not in evidence. Without  
14 waiving the foregoing objection, the Responding Party responds as follows: The Responding  
15 Party prepared periodic notes and retained copies of the conduct and/or misconduct described in  
16 response to Interrogatory No. 7 above. All such documents were left by the Responding Party at  
17 the Burbank Police Department, and were never returned to the Responding Party. Responding  
18 Party currently has no documents responsive to this request in his possession. Discovery is  
19 ongoing and the Responding party reserves the right to amend this response when more  
20 information becomes known.

21 **FACTUAL AND LEGAL REASONS FOR COMPELLING FURTHER RESPONSE TO**  
22 **SPECIAL INTERROGATORY NO. 9:**

23       Plaintiff's objections fail for a number of reasons. First, by not filing timely responses  
24 plaintiff has waived his objection. *Sinaiko Healthcare Consulting, Inc. v. Pacific Healthcare*  
25 *Consultants* (2007) 148 Cal.App.4th 390, 403-404(citing C.C.P. §§ 2030.290, subd. (a);  
26 2031.300, subd. (a)). Second, the objections that the interrogatory calls for an expert opinion is  
27 so baseless as to be nonsensical and has no application based on a straightforward reading of the  
28 interrogatory. Some of these objections make no sense at all, and none of them should reasonably

1 justify a complete failure to respond to City's discovery requests. *See* C.C.P. § 2030.300(a)(3)  
2 (stating that a party may bring a motion to compel if an objection "is without merit or too  
3 general."); *see, e.g., Standon Co. v. Superior Court* (1990) 225 Cal. App. 3d 898, 901 (noting that  
4 the responding party's numerous objections based on vagueness and ambiguity, for example,  
5 were merely "'nuisance' objection[s]" that could not be relied upon to refuse to respond to the  
6 propounding party's discovery requests).

7 In paragraph 9 of his complaint, plaintiff alleges that he was "regularly called a "Jap."  
8 This interrogatory asks that he identify any documents supporting plaintiff's allegations that this  
9 occurred. Instead, plaintiff recites baseless objections and alleges that while he kept notes, he has  
10 no such notes currently. He does not give any identifying information about documents, their  
11 titles, dates, files or last known location that might allow the City to discover them or any other  
12 documents which might support his contentions. In short, this answer is nonresponsive.

13 Importantly, plaintiff never disputed these points when they were raised in the meet and  
14 confer letter. So, essentially, there is no dispute here, only a failure and refusal to provide a  
15 straightforward, full and complete response required by C.C.P. § 2030.220 (a) and (b), apparently  
16 to prevent City from adequately preparing for trial.

17  
18 **SPECIAL INTERROGATORY NO. 10:**

19 State each and every fact (including the speaker(s) and dates) that supports YOUR  
20 contention in paragraph 9 of YOUR COMPLAINT that YOU were "regularly called a ...  
21 "Nip"."

22 **RESPONSE TO SPECIAL INTERROGATORY NO. 10:**

23 Objection. Calls for legal conclusion and/or expert opinion beyond the purview of the  
24 Responding Party. Further, this interrogatory calls for speculation, lacks foundation and assumes  
25 facts not in evidence. Without waiving the foregoing objection, the Responding Party responds  
26 as follows: The Responding Party was repeatedly subjected to improper and inflammatory race-  
27 based comments by certain fellow officers. The comments included, without limitation, the  
28 following: Motorcycles were referred to as "rice rockets;" references were made to "DWA,"

1 which means "driving while Asian;" certain vehicles were referred to as "Jap makes;" Asians  
2 were called "Orientals;" Armenians were called "Armos," "Moes," "Sand Nigger," and "Ians,"  
3 among other things; African-Americans were referred to as "Niggers," "Dudes," "Nigras," and  
4 "Mud Ducks;" Hispanics were called "Paco," "JoseA," and "JoseB," "Beaners," "Wetbacks," and  
5 "Spics;" the Responding Party was called a "Jap" and a "Nip," "Gooks," and "Charlie," and  
6 references to World War II were also made. Discovery is ongoing and the Responding Party  
7 reserves the right to amend this response when more information becomes known.

8 **FACTUAL AND LEGAL REASONS FOR COMPELLING FURTHER RESPONSE TO**  
9 **SPECIAL INTERROGATORY NO. 10:**

10 Plaintiff's objections fail for a number of reasons. First, by not filing timely responses  
11 plaintiff has waived his objection. *Sinaiko Healthcare Consulting, Inc. v. Pacific Healthcare*  
12 *Consultants* (2007) 148 Cal.App.4th 390, 403-404 (citing C.C.P. §§ 2030.290, subd. (a);  
13 2031.300, subd. (a)). Second, the objections that the interrogatory lacks foundation and is not  
14 full and complete in and of itself is so baseless as to be nonsensical and have no application based  
15 on a straightforward reading of the interrogatory. Some of these objections make no sense at all,  
16 and none of them should reasonably justify plaintiff's refusal to fully respond to this  
17 interrogatory. See C.C.P. § 2030.300(a)(3) (stating that a party may bring a motion to compel if  
18 an objection "is without merit or too general."); *see, e.g., Standon Co. v. Superior Court* (1990)  
19 225 Cal. App. 3d 898, 901 (noting that the responding party's numerous objections based on  
20 vagueness and ambiguity, for example, were merely "'nuisance' objection[s]" that could not be  
21 relied upon to refuse to respond to the propounding party's discovery requests).

22 In paragraph 9 of his complaint, plaintiff alleges that he was "regularly called a "Nip."  
23 This interrogatory asks that he elaborate on the facts, the dates and the context which support this  
24 allegation. Instead, plaintiff recites baseless objections and offers a list of allegedly  
25 "inflammatory raced based comments" without any further clarification. Plaintiff's response is  
26 clearly an attempt to obfuscate a simple question with an improper and much broader and vaguer  
27 response. This clearly violates plaintiff's duty to provide a straightforward response to this  
28 interrogatory.

1           Importantly, plaintiff never disputed these points when they were raised in the meet and  
2 confer letter. So, essentially, there is no dispute here, only a failure and refusal to provide a  
3 straightforward, full and complete response required by C.C.P. § 2030.220 (a) and (b), apparently  
4 to prevent City from adequately preparing for trial.

5  
6           **SPECIAL INTERROGATORY NO. 11:**

7           Identify all witnesses (by name, address and telephone number) to the facts set forth in  
8 YOUR response to Interrogatory No. 10.

9           **RESPONSE TO SPECIAL INTERROGATORY NO. 11:**

10          Objection. Calls for speculation and the Responding Party lacks foundation with which to  
11 adequately respond. This interrogatory is not full and complete in and of itself. Without waiving  
12 the foregoing objection, the Responding Party responds as follows: Supervisors: Pat Lynch;  
13 Armen Dermenjian; John Murphy; Claudio Losacco; Dan Yadon; Jose Duran; Thor Merich;  
14 Gerry Misquez; Eduardo Ruiz; Bill Taylor; Kelly Frank; JJ Puglisi; Ron Caruso; and Chris  
15 Canales Officers: Sam Anderson; Brian Gordon; Aron Kendrick; Mike Macias; John Pfrommer;  
16 Chris Racina; Chris Robarts; Ken Schiffner; Scott Meadows; Mitch Ross; Gary Seymour; Mike  
17 Reyes; Steve Karagosian; Celia Barber (Hawver); Cindy Guillen; Fernando Rojas; Scott Moody;  
18 Brian Cosakos; Fernando Munoz; Edeth Hartwick; Dan Arnold (Airport); Greg Kaufman; Mark  
19 Stohl; Henry Garay; Jamal Childs. Discovery is ongoing and the Responding Party reserves the  
20 right to amend this response when more information becomes known.

21          **FACTUAL AND LEGAL REASONS FOR COMPELLING FURTHER RESPONSE TO**  
22 **SPECIAL INTERROGATORY NO. 11:**

23          Plaintiff's objections fail for a number of reasons. First, by not filing timely responses  
24 plaintiff has waived his objection. *Sinaiko Healthcare Consulting, Inc. v. Pacific Healthcare*  
25 *Consultants* (2007) 148 Cal.App.4th 390, 403-404(citing C.C.P. §§ 2030.290, subd. (a);  
26 2031.300, subd. (a)). Second, the objections that the interrogatory lacks foundation and is not  
27 full and complete in and of itself is so baseless as to be nonsensical and have no application based  
28 on a straightforward reading of the interrogatory. Some of these objections make no sense at all,



1 and none of them should reasonably justify plaintiff's refusal to fully respond to this  
2 interrogatory. See C.C.P. § 2030.300(a)(3) (stating that a party may bring a motion to compel if  
3 an objection "is without merit or too general."); see, e.g., *Standon Co. v. Superior Court* (1990)  
4 225 Cal. App. 3d 898, 901 (noting that the responding party's numerous objections based on  
5 vagueness and ambiguity, for example, were merely "'nuisance' objection[s]" that could not be  
6 relied upon to refuse to respond to the propounding party's discovery requests).

7 In paragraph 9 of his complaint, plaintiff alleges that he was "regularly called a "Nip."  
8 This interrogatory asks that he elaborate on the parties who witnessed this occurring, including  
9 giving addresses and telephone numbers. Instead, plaintiff recites baseless objections and offers a  
10 list of names without any further clarification. Due to Plaintiff's obfuscation of the response to  
11 Interrogatory No. 10, it is unclear if these people called plaintiff a "Nip" or heard plaintiff being  
12 called a "Nip" or if they are instead each witnesses to the dozen other terms or phrases improperly  
13 lumped into the responses to the answer to Interrogatory No. 10.

14 Importantly, plaintiff never disputed these points when they were raised in the meet and  
15 confer letter. So, essentially, there is no dispute here, only a failure and refusal to provide a  
16 straightforward, full and complete response required by C.C.P. § 2030.220 (a) and (b), apparently  
17 to prevent City from adequately preparing for trial.

18  
19 **SPECIAL INTERROGATORY NO. 12:**

20 Identify all DOCUMENTS (by author, title, and date) that reflect, refer to, relate to or  
21 support the facts set forth in YOUR response to Interrogatory No. 10.

22 **RESPONSE TO SPECIAL INTERROGATORY NO. 12:**

23 Objection. Calls for legal conclusion and/or expert opinion beyond the purview of the  
24 Responding Party. This interrogatory is not full and complete in and of itself. Further, this  
25 interrogatory calls for speculation, lacks foundation and assumes facts not in evidence. Without  
26 waiving the foregoing objection, the Responding Party responds as follows: The Responding  
27 Party prepared periodic notes and retained copies of the conduct and/or misconduct described in  
28 response to Interrogatory No. 10 above. All such documents were left by the Responding Party at

1 the Burbank Police Department, and were never returned to the Responding Party. Responding  
2 Party currently has no documents responsive to this request his possession. Discovery is ongoing  
3 and the Responding Party reserves the right to amend this response when more information  
4 becomes known.

5 **FACTUAL AND LEGAL REASONS FOR COMPELLING FURTHER RESPONSE TO**  
6 **SPECIAL INTERROGATORY NO. 12:**

7 Plaintiff's objections fail for a number of reasons. First, by not filing timely responses  
8 plaintiff has waived his objection. *Sinaiko Healthcare Consulting, Inc. v. Pacific Healthcare*  
9 *Consultants* (2007) 148 Cal.App.4th 390, 403-404(citing C.C.P. §§ 2030.290, subd. (a);  
10 2031.300, subd. (a)). Second, the objections that the interrogatory lacks foundation and is not  
11 full and complete in and of itself is so baseless as to be nonsensical and have no application based  
12 on a straightforward reading of the interrogatory. Some of these objections make no sense at all,  
13 and none of them should reasonably justify a complete failure to respond to City's discovery  
14 requests. See C.C.P. § 2030.300(a)(3) (stating that a party may bring a motion to compel if an  
15 objection "is without merit or too general."); see, e.g., *Standon Co. v. Superior Court* (1990) 225  
16 Cal. App. 3d 898, 901 (noting that the responding party's numerous objections based on  
17 vagueness and ambiguity, for example, were merely "'nuisance' objection[s]" that could not be  
18 relied upon to refuse to respond to the propounding party's discovery requests).

19 In paragraph 9 of his complaint, plaintiff alleges that he was "regularly called a "Nip."  
20 This interrogatory asks that he identify any documents supporting plaintiff's allegations that this  
21 occurred. Instead, plaintiff recites baseless objections and alleges that while he kept notes, he  
22 has no such notes currently. He does not give any identifying information about documents,  
23 their titles, dates, files or last known location that might allow the City to discover them or any  
24 other documents which might support his contentions. In short, this answer is nonresponsive.

25 Importantly, plaintiff never disputed these points when they were raised in the meet and  
26 confer letter So, essentially, there is no dispute here, only a failure and refusal to provide a  
27 straightforward, full and complete response required by C.C.P. § 2030.220 (a) and (b),  
28 apparently to prevent City from adequately preparing for trial.

1 **SPECIAL INTERROGATORY NO. 16:**

2 State each and every fact (including the speaker(s) and dates) that supports YOUR  
3 contention in paragraph 9 of YOUR COMPLAINT that YOU were "regularly called a ...  
4 "Charlie."

5 **RESPONSE TO SPECIAL INTERROGATORY NO. 16:**

6 Objection. Calls for legal conclusion and/or expert opinion beyond the purview of the  
7 Responding Party. Further, this interrogatory calls for speculation, lacks foundation and assumes  
8 facts not in evidence. Without waiving the foregoing objection, the Responding Party responds  
9 as follows: The Responding Party was repeatedly subjected to improper and inflammatory race-  
10 based comments by certain fellow officers. The comments included, without limitation, the  
11 following: Motorcycles were referred to as "rice rockets;" references were made to "DWA,"  
12 which means "driving while Asian;" certain vehicles were referred to as "Jap makes;" Asians  
13 were called , 'Orientals;" Armenians were called "Armos;" "Moes," "Sand Nigger," and "Ians,"  
14 among other things; African-Americans were referred to as "Niggers," "Dudes," "Nigras," and  
15 "Mud Ducks;" Hispanics were called "Paco," "JoseA," and "JoseB," "Beaners," "Wetbacks," and  
16 "Spics;" the Responding Party was called a "Jap" and a "Nip," "Gooks," and "Charlie," and  
17 references to World War II were also made. Discovery is ongoing and the Responding Party  
18 reserves the right to amend this response when more information becomes known.

19 **FACTUAL AND LEGAL REASONS FOR COMPELLING FURTHER RESPONSE TO**  
20 **SPECIAL INTERROGATORY NO. 16:**

21 Plaintiff's objections fail for a number of reasons. First, by not filing timely responses  
22 plaintiff has waived his objection. *Sinaiko Healthcare Consulting, Inc. v. Pacific Healthcare*  
23 *Consultants* (2007) 148 Cal.App.4th 390, 403-404 (citing C.C.P. §§ 2030.290, subd. (a);  
24 2031.300, subd. (a)). Second, the objections that the interrogatory lacks foundation and calls for  
25 expert opinion are so baseless as to be nonsensical and have no application based on a  
26 straightforward reading of the interrogatory. Some of these objections make no sense at all, and  
27 none of them should reasonably justify plaintiff's refusal to fully respond to this interrogatory.  
28 See C.C.P. § 2030.300(a)(3) (stating that a party may bring a motion to compel if an objection "is

without merit or too general.”); *see, e.g., Standon Co. v. Superior Court* (1990) 225 Cal. App. 3d 898, 901 (noting that the responding party’s numerous objections based on vagueness and ambiguity, for example, were merely “‘nuisance’ objection[s]” that could not be relied upon to refuse to respond to the propounding party’s discovery requests).

In paragraph 9 of his complaint, plaintiff alleges that he was “regularly called a “Charlie.” This interrogatory asks that he elaborate on the facts, the dates and the context which support this allegation. Instead, plaintiff recites baseless objections and offers a list of allegedly “inflammatory raced based comments” without any further clarification. Plaintiff’s response is clearly an attempt to obfuscate a simple question with an improper and much broader and vaguer response. This clearly violates plaintiff’s duty to provide a straightforward response to this interrogatory.

Importantly, plaintiff never disputed these points when they were raised in the meet and confer letter. So, essentially, there is no dispute here, only a failure and refusal to provide a straightforward, full and complete response required by C.C.P. § 2030.220 (a) and (b), apparently to prevent City from adequately preparing for trial.

**SPECIAL INTERROGATORY NO. 17:**

Identify all witnesses (by name, address and telephone number) to the facts set forth in YOUR response to Interrogatory No. 16.

**RESPONSE TO SPECIAL INTERROGATORY NO. 17:**

Objection. Calls for speculation and the Responding Party lacks foundation with which to adequately respond. This interrogatory is not full and complete in and of itself. Without waiving the foregoing objection, the Responding Party responds as follows: Sam Anderson, Brian Gordon, Aron Kendrick, Mike Macias, John Pfrommer, Chris Robarts, Scott Meadows, Fernando Munoz, Chris Canales Kelly Frank, Dwayne Wolfer, Gerry Misquez, JJ Puglisi, Chris Racina, Ken Schiffner, Ron Caruso, John Dilibert, and any other not mentioned current and former members of SRT. Discovery is ongoing and the Responding Party reserves the right to amend this response when more information becomes known.

1 **FACTUAL AND LEGAL REASONS FOR COMPELLING FURTHER RESPONSE TO**  
2 **SPECIAL INTERROGATORY NO. 17:**

3 Plaintiff's objections fail for a number of reasons. First, by not filing timely responses  
4 plaintiff has waived his objection. *Sinaiko Healthcare Consulting, Inc. v. Pacific Healthcare*  
5 *Consultants* (2007) 148 Cal.App.4th 390, 403-404(citing C.C.P. §§ 2030.290, subd. (a);  
6 2031.300, subd. (a)). Second, the objections that the interrogatory lacks foundation and is not  
7 full and complete in and of itself is so baseless as to be nonsensical and have no application based  
8 on a straightforward reading of the interrogatory. Some of these objections make no sense at all,  
9 and none of them should reasonably justify plaintiff's refusal to fully respond to this  
10 interrogatory. See C.C.P. § 2030.300(a)(3) (stating that a party may bring a motion to compel if  
11 an objection "is without merit or too general."); see, e.g., *Standon Co. v. Superior Court* (1990)  
12 225 Cal. App. 3d 898, 901 (noting that the responding party's numerous objections based on  
13 vagueness and ambiguity, for example, were merely "'nuisance' objection[s]" that could not be  
14 relied upon to refuse to respond to the propounding party's discovery requests).

15 In paragraph 9 of his complaint, plaintiff alleges that he was "regularly called a  
16 "Charlie." This interrogatory asks that he elaborate on the parties who witnessed this occurring,  
17 including giving addresses and telephone numbers. Instead, plaintiff recites baseless objections  
18 and offers a list of names without any further clarification. Due to Plaintiff's obfuscation of the  
19 response to Interrogatory No. 16, it is unclear if these people called plaintiff a "Charlie" or heard  
20 plaintiff being called a "Charlie" or if they are instead each witnesses to the dozen other terms or  
21 phrases improperly lumped into the responses to the answer to Interrogatory No. 16.

22 Importantly, plaintiff never disputed these points when they were raised in the meet and  
23 confer letter. So, essentially, there is no dispute here, only a failure and refusal to provide a  
24 straightforward, full and complete response required by C.C.P. § 2030.220 (a) and (b),  
25 apparently to prevent City from adequately preparing for trial.

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1 **SPECIAL INTERROGATORY NO. 18:**

2 Identify all DOCUMENTS (by author, title, and date) that reflect, refer to, relate to or  
3 support the facts set forth in YOUR response to Interrogatory No. 16.

4 **RESPONSE TO SPECIAL INTERROGATORY NO. 18:**

5 Objection. Calls for speculation and the Responding Party lacks sufficient foundation  
6 with which to respond to this request. This interrogatory is not full and complete in and of itself.  
7 Without waiving the foregoing objection, the Responding Party responds as follows: Responding  
8 Party has no information or belief with which to respond to this request. Discovery is ongoing  
9 and the Responding Party reserves the right to amend this response when more information  
10 becomes known.

11 **FACTUAL AND LEGAL REASONS FOR COMPELLING FURTHER RESPONSE TO**  
12 **SPECIAL INTERROGATORY NO. 18:**

13 Plaintiff's objections fail for a number of reasons. First, by not filing timely responses  
14 plaintiff has waived his objection. *Sinaiko Healthcare Consulting, Inc. v. Pacific Healthcare*  
15 *Consultants* (2007) 148 Cal.App.4th 390, 403-404(citing C.C.P. §§ 2030.290, subd. (a);  
16 2031.300, subd. (a)). Second, the objections that the interrogatory lacks foundation and is not  
17 full and complete in and of itself is so baseless as to be nonsensical and have no application based  
18 on a straightforward reading of the interrogatory. Some of these objections make no sense at all,  
19 and none of them should reasonably justify a complete failure to respond to City's discovery  
20 requests. See C.C.P. § 2030.300(a)(3) (stating that a party may bring a motion to compel if an  
21 objection "is without merit or too general."); see, e.g., *Standon Co. v. Superior Court* (1990) 225  
22 Cal. App. 3d 898, 901 (noting that the responding party's numerous objections based on  
23 vagueness and ambiguity, for example, were merely "'nuisance' objection[s]" that could not be  
24 relied upon to refuse to respond to the propounding party's discovery requests).

25 In paragraph 9 of his complaint, plaintiff alleges that he was "regularly called a  
26 "Charlie." This interrogatory asks that he identify any documents supporting plaintiff's  
27 allegations that this occurred. Instead, plaintiff recites baseless objections and a response that a)  
28 doesn't make sense and b) is contradicted by his response to earlier interrogatories. In short, this

1 answer is nonresponsive.

2 Importantly, plaintiff never disputed these points when they were raised in the meet and  
3 confer letter So, essentially, there is no dispute here, only a failure and refusal to provide a  
4 straightforward, full and complete response required by C.C.P. § 2030.220 (a) and (b),  
5 apparently to prevent City from adequately preparing for trial.

6  
7 **SPECIAL INTERROGATORY NO. 37:**

8 State each and every fact (including the speaker(s) and dates) that supports YOUR  
9 contention in paragraph 9 of YOUR COMPLAINT that "stereotypical jokes" were made about  
10 World War II.

11 **RESPONSE TO SPECIAL INTERROGATORY NO. 37:**

12 Objection. Calls for legal conclusion and/or expert opinion beyond the purview of the  
13 Responding Party. Further, this interrogatory calls for speculation, lacks foundation and assumes  
14 facts not in evidence. Without waiving the foregoing objection, the Responding Party responds  
15 as follows: The Responding Party was repeatedly subjected to improper and inflammatory race-  
16 based comments by certain fellow officers. The comments included, without limitation, the  
17 following: Motorcycles were referred to as "rice rockets;" references were made to DWA,"  
18 which means "driving while Asian;" certain vehicles were referred to as "Jap makes;" Asians  
19 were called "Orientals;" Armenians were called "Armos," "Moes," "Sand Nigger," and "Ians,"  
20 among other things; African-Americans were referred to as "Niggers," "Dudes," "Nigras," and  
21 "Mud Ducks;" Hispanics were called "Paco," "JoseA," and "JoseB," "Beaners," "Wetbacks," and  
22 "Spics;" the Responding Party was called "Jap" and a "Nip," "Gooks," and "Charlie," and  
23 references to World War II were also made. Discovery is ongoing and the Responding Party  
24 reserves the right to amend this response when more information becomes known.

25 **FACTUAL AND LEGAL REASONS FOR COMPELLING FURTHER RESPONSE TO**  
26 **SPECIAL INTERROGATORY NO. 37:**

27 Plaintiff's objections fail for a number of reasons. First, by not filing timely responses  
28 plaintiff has waived his objection. *Sinaiko Healthcare Consulting, Inc. v. Pacific Healthcare*

1 *Consultants* (2007) 148 Cal.App.4th 390, 403-404 (citing C.C.P. §§ 2030.290, subd. (a);  
2 2031.300, subd. (a)). Second, the objections that the interrogatory lacks foundation and calls for  
3 expert opinion are so baseless as to be nonsensical and have no application based on a  
4 straightforward reading of the interrogatory. Some of these objections make no sense at all, and  
5 none of them should reasonably justify plaintiff's refusal to fully respond to this interrogatory.  
6 See C.C.P. § 2030.300(a)(3) (stating that a party may bring a motion to compel if an objection "is  
7 without merit or too general."); *see, e.g., Standon Co. v. Superior Court* (1990) 225 Cal. App. 3d  
8 898, 901 (noting that the responding party's numerous objections based on vagueness and  
9 ambiguity, for example, were merely "'nuisance' objection[s]" that could not be relied upon to  
10 refuse to respond to the propounding party's discovery requests).

11 In paragraph 9 of his complaint, plaintiff alleges that that "stereotypical jokes" were made  
12 about World War II.. This interrogatory asks that he elaborate on the facts, the dates and the  
13 context which support this allegation. Instead, plaintiff recites baseless objections and offers a  
14 list of allegedly "inflammatory raced based comments" without any further clarification.  
15 Plaintiff's response is clearly an attempt to obfuscate a simple question with an improper and  
16 much broader and vaguer response. This clearly violates plaintiff's duty to provide a  
17 straightforward response to this interrogatory.

18 Importantly, plaintiff never disputed these points when they were raised in the meet and  
19 confer letter So, essentially, there is no dispute here, only a failure and refusal to provide a  
20 straightforward, full and complete response required by C.C.P. § 2030.220 (a) and (b), apparently  
21 to prevent City from adequately preparing for trial.  
22

23 **SPECIAL INTERROGATORY NO. 38:**

24 Identify all witnesses (by name, address and telephone number) to the facts set forth in  
25 YOUR response to Interrogatory No. 37.

26 **RESPONSE TO SPECIAL INTERROGATORY NO. 38:**

27 Objection. Calls for speculation and the Responding Party lacks foundation with which to  
28 adequately respond. This interrogatory is not full and complete in and of itself. Without waiving



1 the foregoing objection, the Responding Party responds as follows: Supervisors: Pat Lynch;  
2 Armen Dermenjian; John Murphy; Claudio Losacco; Dan Yadon; Jose Duran; Thor Merich;  
3 Gerry Misque; Edurado Ruiz; Bill Taylor; Kelly Frank; JJ Puglisi; Ron Caruso; and Chris  
4 Canales Officers: Sam Anderson; Brian Gordon; Aron Kendrick; Mike Macias; John Pfrommer;  
5 Chris Racina; Chris Roberts; Ken Schiffner; Scott Meadows; Mitch Ross; Gary Seymour; Mike  
6 Reyes; Steve Karagolian; Celia Barber (Hawver); Cindy Guillen; Fernando Rojas; Scott Moody;  
7 Brian Cosakos; Fernando Munoz; Edeth Hartwick; Dan Arnold (Airport); Greg Kaufman; Mark  
8 Stohl; Henry Garay; Jamal Childs. Discovery is ongoing and the Responding Party reserves the  
9 right to amend this response when more information becomes known.

10 **FACTUAL AND LEGAL REASONS FOR COMPELLING FURTHER RESPONSE TO**  
11 **SPECIAL INTERROGATORY NO. 38:**

12 Plaintiff's objections fail for a number of reasons. First, by not filing timely responses  
13 plaintiff has waived his objection. *Sinaiko Healthcare Consulting, Inc. v. Pacific Healthcare*  
14 *Consultants* (2007) 148 Cal.App.4th 390, 403-404(citing C.C.P. §§ 2030.290, subd. (a);  
15 2031.300, subd. (a)). Second, the objections that the interrogatory lacks foundation and is not  
16 full and complete in and of itself is so baseless as to be nonsensical and have no application based  
17 on a straightforward reading of the interrogatory. Some of these objections make no sense at all,  
18 and none of them should reasonably justify plaintiff's refusal to fully respond to this  
19 interrogatory. See C.C.P. § 2030.300(a)(3) (stating that a party may bring a motion to compel if  
20 an objection "is without merit or too general."); see, e.g., *Standon Co. v. Superior Court* (1990)  
21 225 Cal. App. 3d 898, 901 (noting that the responding party's numerous objections based on  
22 vagueness and ambiguity, for example, were merely "'nuisance' objection[s]" that could not be  
23 relied upon to refuse to respond to the propounding party's discovery requests).

24 In paragraph 9 of his complaint, plaintiff alleges that "stereotypical jokes" were made  
25 about World War II. This interrogatory asks that he elaborate on the parties who witnessed this  
26 occurring, including giving addresses and telephone numbers. Instead, plaintiff recites baseless  
27 objections and offers a list of names without any further clarification. Due to Plaintiff's  
28 obfuscation of the response to Interrogatory No. 37, it is unclear if these people uttered

1 "stereotypical jokes" about World War II. or heard" stereotypical jokes" which were made about  
2 World War II. or if they are instead each witnesses to the dozen other terms or phrases improperly  
3 lumped into the responses to the answer to Interrogatory No. 37.

4 Importantly, plaintiff never disputed these points when they were raised in the meet and  
5 confer letter So, essentially, there is no dispute here, only a failure and refusal to provide a  
6 straightforward, full and complete response required by C.C.P. § 2030.220 (a) and (b), apparently  
7 to prevent City from adequately preparing for trial.

8  
9 **SPECIAL INTERROGATORY NO. 39:**

10 Identify all DOCUMENTS (by author, title, and date) that reflect, refer to, relate to or  
11 support the facts set forth in YOUR response to Interrogatory No. 37.

12 **RESPONSE TO SPECIAL INTERROGATORY NO. 39:**

13 Objection. Calls for legal conclusion and/or expert opinion beyond the purview of the  
14 Responding Party. This interrogatory is not full and complete in and of itself. Further, this  
15 interrogatory calls for speculation, lacks foundation and assumes facts not in evidence. Without  
16 waiving the foregoing objection, the Responding Party responds as follows: The Responding  
17 Party prepared periodic notes and retained copies of the conduct and/or misconduct described in  
18 response to Interrogatory No. 37 above. All such documents were left by the Responding Party at  
19 the Burbank Police Department, and were never returned to the Responding Party. Responding  
20 Party currently has no documents responsive to this request in his possession. Discovery is  
21 ongoing and the Responding Party reserves the right to amend this response when more  
22 information becomes known.

23 **FACTUAL AND LEGAL REASONS FOR COMPELLING FURTHER RESPONSE TO**  
24 **SPECIAL INTERROGATORY NO. 39:**

25 Plaintiff's objections fail for a number of reasons. First, by not filing timely responses  
26 plaintiff has waived his objection. *Sinaiko Healthcare Consulting, Inc. v. Pacific Healthcare*  
27 *Consultants* (2007) 148 Cal.App.4th 390, 403-404(citing C.C.P. §§ 2030.290, subd. (a);  
28 2031.300, subd. (a)). Second, the objections that the interrogatory calls for expert opinion and is

1 not full and complete in and of itself are so baseless as to be nonsensical and have no application  
2 based on a straightforward reading of the interrogatory. Some of these objections make no sense  
3 at all, and none of them should reasonably justify a complete failure to respond to City's  
4 discovery requests. *See* C.C.P. § 2030.300(a)(3) (stating that a party may bring a motion to  
5 compel if an objection "is without merit or too general."); *see, e.g., Standon Co. v. Superior Court*  
6 (1990) 225 Cal. App. 3d 898, 901 (noting that the responding party's numerous objections based  
7 on vagueness and ambiguity, for example, were merely "'nuisance' objection[s]" that could not  
8 be relied upon to refuse to respond to the propounding party's discovery requests).

9 In paragraph 9 of his complaint, plaintiff alleges that "stereotypical jokes" were made  
10 about World War II. This interrogatory asks that he identify any documents supporting plaintiff's  
11 allegations that this occurred. Instead, plaintiff recites baseless objections and a response that a)  
12 doesn't make sense and b) is contradicted by his response to earlier interrogatories. In short, this  
13 answer is nonresponsive.

14 Importantly, plaintiff never disputed these points when they were raised in the meet and  
15 confer letter. So, essentially, there is no dispute here, only a failure and refusal to provide a  
16 straightforward, full and complete response required by C.C.P. § 2030.220 (a) and (b), apparently  
17 to prevent City from adequately preparing for trial.

18 **SPECIAL INTERROGATORY NO. 61:**

19 State each and every fact (including the speaker(s), the comments, and the dates) that  
20 supports YOUR contention in paragraph 12 of YOUR COMPLAINT that "inappropriate and  
21 insensitive race-based comments and jokes were commonplace" in the narcotics unit.

22 **RESPONSE TO SPECIAL INTERROGATORY NO. 61:**

23 Objection. Calls for legal conclusion and/or expert opinion beyond the purview of the  
24 Responding Party. Further, this interrogatory calls for speculation, lacks foundation and assumes  
25 facts not in evidence. Without waiving the foregoing objection, the Responding Party responds  
26 as follows: Inappropriate and insensitive race-based comments and jokes were commonplace in  
27 the Narcotics unit. Discovery is ongoing and the Responding Party reserves the right to amend  
28 this response when more information becomes known.

1 **FACTUAL AND LEGAL REASONS FOR COMPELLING FURTHER RESPONSE TO**  
2 **SPECIAL INTERROGATORY NO. 61:**

3 Plaintiff's objections fail for a number of reasons. First, by not filing timely responses  
4 plaintiff has waived his objection. *Sinaiko Healthcare Consulting, Inc. v. Pacific Healthcare*  
5 *Consultants* (2007) 148 Cal.App.4th 390, 403-404 (citing C.C.P. §§ 2030.290, subd. (a);  
6 2031.300, subd. (a).). Second, the objections that the interrogatory lacks foundation and calls for  
7 expert opinion are so baseless as to be nonsensical and have no application based on a  
8 straightforward reading of the interrogatory. Some of these objections make no sense at all, and  
9 none of them should reasonably justify plaintiff's refusal to fully respond to this interrogatory.  
10 See C.C.P. § 2030.300(a)(3) (stating that a party may bring a motion to compel if an objection "is  
11 without merit or too general."); *see, e.g., Standon Co. v. Superior Court* (1990) 225 Cal. App. 3d  
12 898, 901 (noting that the responding party's numerous objections based on vagueness and  
13 ambiguity, for example, were merely "'nuisance' objection[s]" that could not be relied upon to  
14 refuse to respond to the propounding party's discovery requests).

15 In paragraph 12 of his complaint, plaintiff alleges that "inappropriate and insensitive  
16 raced-based comments were commonplace" in the narcotics unit. This interrogatory asks that he  
17 elaborate on the facts, the dates and the context which support this allegation. Instead, plaintiff  
18 recites baseless objections and then reiterates the allegation without any further clarification.  
19 Plaintiff's response is clearly an attempt to obfuscate a simple question with an improper and  
20 much broader and vaguer response. This clearly violates plaintiff's duty to provide a  
21 straightforward response to this interrogatory. In short, plaintiff's answer is non-responsive.

22 Importantly, plaintiff never disputed these points when they were raised in the meet and  
23 confer letter. So, essentially, there is no dispute here, only a failure and refusal to provide a  
24 straightforward, full and complete response required by C.C.P. § 2030.220 (a) and (b),  
25 apparently to prevent City from adequately preparing for trial.

26 ///

27 ///

28 ///

1 **SPECIAL INTERROGATORY NO. 62:**

2 Identify all witnesses (by name, address and telephone number) to the facts set forth in  
3 YOUR response to Interrogatory No. 61.

4 **RESPONSE TO SPECIAL INTERROGATORY NO. 62:**

5 Objection. Calls for speculation and the Responding Party lacks foundation with which to  
6 adequately respond. This Interrogatory is not full and complete in and of itself. Without waiving  
7 the foregoing objection, the Responding Party responds as follows: Supervisors: Pat Lynch;  
8 Armen Dermenjian; John Murphy; Claudio Losacco; Dan Yadon; Jose Duran; Thor Merich;  
9 Gerry Misqueuz; Eduardo Ruiz; Bill Taylor; Kelly Frank; JJ Puglisi; Ron Caruso; and Chris  
10 Canales Officers: Sam Anderson; Brian Gordon; Aron Kendrick; Mike Macias; John Pfrommer;  
11 Chris Racina; Chris Robarts; Ken Schiffner; Scott Meadows; Mitch Ross; Gary Seymour; Mike  
12 Reyes; Steve Karagosian; Celia Barber (Hawver); Cindy Guillen; Fernando Rojas; Scott Moody;  
13 Brian Cosakos; Fernando Munoz; Edeth Hartwick; Dan Arnold (Airport); Greg Kaufman; Mark  
14 Stohl; Henry Garay; Jamal Childs. Discovery is ongoing and the Responding Party reserves the  
15 right to amend this response when more information becomes known.

16 **FACTUAL AND LEGAL REASONS FOR COMPELLING FURTHER RESPONSE TO**  
17 **SPECIAL INTERROGATORY NO. 62:**

18 Plaintiff's objections fail for a number of reasons. First, by not filing timely responses  
19 plaintiff has waived his objection. *Sinaiko Healthcare Consulting, Inc. v. Pacific Healthcare*  
20 *Consultants* (2007) 148 Cal.App.4th 390, 403-404(citing C.C.P. §§ 2030.290, subd. (a);  
21 2031.300, subd. (a)). Second, the objections that the interrogatory lacks foundation and is not  
22 full and complete in and of itself is so baseless as to be nonsensical and have no application based  
23 on a straightforward reading of the interrogatory. Some of these objections make no sense at all,  
24 and none of them should reasonably justify plaintiff's refusal to fully respond to this  
25 interrogatory. See C.C.P. § 2030.300(a)(3) (stating that a party may bring a motion to compel if  
26 an objection "is without merit or too general."); see, e.g., *Standon Co. v. Superior Court* (1990)  
27 225 Cal. App. 3d 898, 901 (noting that the responding party's numerous objections based on  
28 vagueness and ambiguity, for example, were merely "'nuisance' objection[s]" that could not be

1 relied upon to refuse to respond to the propounding party's discovery requests).

2 In paragraph 12 of his complaint, plaintiff alleges that "inappropriate and insensitive  
3 raced-based comments were commonplace" in the narcotics unit.. This interrogatory asks that he  
4 elaborate on the parties who witnessed this occurring, including giving addresses and telephone  
5 numbers. Instead, plaintiff recites baseless objections and offers a list of names without any  
6 further clarification. Due to Plaintiff's obfuscation of the response to Interrogatory No. 61, it is  
7 unclear if these people uttered "inappropriate and insensitive race-based comments and jokes" or  
8 were witnesses to the utterance of "inappropriate and insensitive race-based comments and  
9 jokes".

10 Importantly, plaintiff never disputed these points when they were raised in the meet and  
11 confer letter So, essentially, there is no dispute here, only a failure and refusal to provide a  
12 straightforward, full and complete response required by C.C.P. § 2030.220 (a) and (b), apparently  
13 to prevent City from adequately preparing for trial.

14  
15 **SPECIAL INTERROGATORY NO. 63:**

16 Identify all DOCUMENTS (by author, title, and date) that reflect, refer to, relate to or  
17 support the facts set forth in YOUR response to Interrogatory No. 61.

18 **RESPONSE TO SPECIAL INTERROGATORY NO. 63:**

19 Objection. Calls for legal conclusion and/or expert opinion beyond the purview of the  
20 Responding Party. This Interrogatory is not full and complete in and of itself. Further, this  
21 Interrogatory calls for speculation, lacks foundation and assumes facts not in evidence. Without  
22 waiving the foregoing objection, the Responding Party responds as follows: The Responding  
23 Party prepared periodic notes and retained copies of the conduct and/or misconduct described in  
24 response to Interrogatory No. 61 above. All such documents were left by the Responding Party at  
25 the Burbank Police Department, and were never returned to the Responding Party. Responding  
26 Party currently has no documents responsive to this request in his possession. Discovery is  
27 ongoing and the Responding Party reserves the right to amend this response when more  
28 information becomes known.

1 **FACTUAL AND LEGAL REASONS FOR COMPELLING FURTHER RESPONSE TO**  
2 **SPECIAL INTERROGATORY NO. 63:**

3 Plaintiff's objections fail for a number of reasons. First, by not filing timely responses  
4 plaintiff has waived his objection. *Sinaiko Healthcare Consulting, Inc. v. Pacific Healthcare*  
5 *Consultants* (2007) 148 Cal.App.4th 390, 403-404(citing C.C.P. §§ 2030.290, subd. (a);  
6 2031.300, subd. (a)). Second, the objections that the interrogatory calls for expert opinion and is  
7 not full and complete in and of itself are so baseless as to be nonsensical and have no application  
8 based on a straightforward reading of the interrogatory. Some of these objections make no sense  
9 at all, and none of them should reasonably justify a complete failure to respond to City's  
10 discovery requests. See C.C.P. § 2030.300(a)(3) (stating that a party may bring a motion to  
11 compel if an objection "is without merit or too general."); see, e.g., *Standon Co. v. Superior Court*  
12 (1990) 225 Cal. App. 3d 898, 901 (noting that the responding party's numerous objections based  
13 on vagueness and ambiguity, for example, were merely "'nuisance' objection[s]" that could not  
14 be relied upon to refuse to respond to the propounding party's discovery requests).

15 In paragraph 12 of his complaint, plaintiff alleges that "inappropriate and insensitive  
16 race-based comments and jokes were commonplace" in the narcotics unit.. This interrogatory  
17 asks that he identify any documents supporting plaintiff's allegations that this occurred. Instead,  
18 plaintiff recites baseless objections and a response that while he had documents he doesn't  
19 anymore and yet refuses to identify any of these documents. In short, this answer is  
20 nonresponsive.

21 Importantly, plaintiff never disputed these points when they were raised in the meet and  
22 confer letter So, essentially, there is no dispute here, only a failure and refusal to provide a  
23 straightforward, full and complete response required by C.C.P. § 2030.220 (a) and (b), apparently  
24 to prevent City from adequately preparing for trial.

25  
26 **SPECIAL INTERROGATORY NO. 67:**

27 State each and every fact (including the assignments involved and dates) that supports  
28 YOUR contention in paragraph 12 of YOUR COMPLAINT that "plaintiff was given the less

1 desirable assignment in the unit, even though at the time he had more narcotics seizures than any  
2 other officer in the department.”

3 **RESPONSE TO SPECIAL INTERROGATORY NO. 67:**

4 Objection. Calls for legal conclusion and/or expert opinion beyond the purview of the  
5 Responding Party. Further, this interrogatory calls for speculation, lacks foundation and assumes  
6 facts not in evidence. Without waiving the foregoing objection, the Responding Party responds  
7 as follows: The Responding Party was given less desirable assignments in the unit, even though  
8 at the time he had more narcotic seizures than any other office in the Department. Discovery is  
9 ongoing and the Responding Party reserves the right to amend this response when more  
10 information becomes known.

11 **FACTUAL AND LEGAL REASONS FOR COMPELLING FURTHER RESPONSE TO**  
12 **SPECIAL INTERROGATORY NO. 67:**

13 Plaintiff's objections fail for a number of reasons. First, by not filing timely responses  
14 plaintiff has waived his objection. *Sinaiko Healthcare Consulting, Inc. v. Pacific Healthcare*  
15 *Consultants* (2007) 148 Cal.App.4th 390, 403-404 (citing C.C.P. §§ 2030.290, subd. (a);  
16 2031.300, subd. (a)). Second, the objections that the interrogatory lacks foundation and calls for  
17 expert opinion are so baseless as to be nonsensical and have no application based on a  
18 straightforward reading of the interrogatory. Some of these objections make no sense at all, and  
19 none of them should reasonably justify plaintiff's refusal to fully respond to this interrogatory.  
20 See C.C.P. § 2030.300(a)(3) (stating that a party may bring a motion to compel if an objection “is  
21 without merit or too general.”); *see, e.g., Standon Co. v. Superior Court* (1990) 225 Cal. App. 3d  
22 898, 901 (noting that the responding party's numerous objections based on vagueness and  
23 ambiguity, for example, were merely “‘nuisance’ objection[s]” that could not be relied upon to  
24 refuse to respond to the propounding party's discovery requests).

25 In paragraph 12 of his complaint, plaintiff alleges that he was “given the less desirable  
26 assignment in the unit even though at the time he had more narcotic's seizures than any other  
27 officer in the department.” This interrogatory asks that he elaborate on the facts, the dates and  
28 the context which support this allegation. Instead, plaintiff recites baseless objections and then



1 simply reiterates the allegation in the complaint without any further clarification. In short, this  
2 answer is totally non-responsive.

3 Importantly, plaintiff never disputed these points when they were raised in the meet and  
4 confer letter So, essentially, there is no dispute here, only a failure and refusal to provide a  
5 straightforward, full and complete response required by C.C.P. § 2030.220 (a) and (b),  
6 apparently to prevent City from adequately preparing for trial.

7  
8 **SPECIAL INTERROGATORY NO. 68:**

9 Identify all witnesses (by name, address and telephone number) to the facts set forth in  
10 YOUR response to Interrogatory No. 67.

11 **RESPONSE TO SPECIAL INTERROGATORY NO. 68:**

12 Objection. Calls for speculation and the Responding Party lacks foundation with which to  
13 adequately respond.” This Interrogatory is not full and complete in and of itself. Without waiving  
14 the foregoing objection, the Responding Party responds as follows: Jose Duran, Sgt Yadon,  
15 Claudio Lossaco, Chris Canales, Chris Robarts, Scott Meadows, Mitch Ross, Gary Seymour,  
16 Mike Reyes, John Murphy, Bill Taylor, Pat Lynch, Ken Schiffner and Eduardo Ruiz. Discovery  
17 is ongoing and the Responding Party reserves the right to amend this response when more  
18 information becomes known.

19 **FACTUAL AND LEGAL REASONS FOR COMPELLING FURTHER RESPONSE TO**  
20 **SPECIAL INTERROGATORY NO. 68:**

21 Plaintiff’s objections fail for a number of reasons. First, by not filing timely responses  
22 plaintiff has waived his objection. *Sinaiko Healthcare Consulting, Inc. v. Pacific Healthcare*  
23 *Consultants* (2007) 148 Cal.App.4th 390, 403-404(citing C.C.P. §§ 2030.290, subd. (a);  
24 2031.300, subd. (a).). Second, the objections that the interrogatory calls for speculation and is not  
25 full and complete in and of itself is so baseless as to be nonsensical and have no application based  
26 on a straightforward reading of the interrogatory. Some of these objections make no sense at all,  
27 and none of them should reasonably justify plaintiff’s refusal to fully respond to this  
28 interrogatory. See C.C.P. § 2030.300(a)(3) (stating that a party may bring a motion to compel if

1 an objection "is without merit or too general."); *see, e.g., Standon Co. v. Superior Court* (1990)  
2 225 Cal. App. 3d 898, 901 (noting that the responding party's numerous objections based on  
3 vagueness and ambiguity, for example, were merely "'nuisance' objection[s]" that could not be  
4 relied upon to refuse to respond to the propounding party's discovery requests).

5 In paragraph 12 of his complaint, plaintiff alleges that "plaintiff was given the less  
6 desirable assignment in the unit, even though at the time he had more narcotics seizures than any  
7 other officer in the department.". This interrogatory asks that he elaborate on the parties who  
8 witnessed this occurring, including giving addresses and telephone numbers. Instead, plaintiff  
9 recites baseless objections and offers a list of names without any further clarification. Due to  
10 Plaintiff's obfuscation of the response to Interrogatory No. 67, it is unclear if these people were  
11 involved in "giving plaintiff the less desirable assignment in the unit, or witnessed the fact that  
12 "plaintiff was given the less desirable assignment in the unit."

13 Importantly, plaintiff never disputed these points when they were raised in the meet and  
14 confer letter. So, essentially, there is no dispute here, only a failure and refusal to provide a  
15 straightforward, full and complete response required by C.C.P. § 2030.220 (a) and (b), apparently  
16 to prevent City from adequately preparing for trial.

17  
18 **SPECIAL INTERROGATORY NO. 69:**

19 Identify all DOCUMENTS (by author, title, and date) that reflect, refer to, relate to or  
20 support the facts set forth in YOUR response to Interrogatory No. 67.

21 **RESPONSE TO SPECIAL INTERROGATORY NO. 69:**

22 Objection. Calls for legal conclusion and/or expert opinion beyond the purview of the  
23 Responding Party. This Interrogatory is not full and complete in and of itself. Further, this  
24 Interrogatory calls for speculation, lacks foundation and assumes facts not in evidence. Without  
25 waiving the foregoing objection, the Responding Party responds as follows: The Responding  
26 Party prepared periodic notes and retained copies of the conduct and/or misconduct described in  
27 response to Interrogatory No. 67 above. All such documents were left by the Responding Party at  
28 the Burbank Police Department, and were never returned to the responding Party. Responding

1 Party currently has no documents responsive to this request in his possession. In addition, the  
2 Responding Party believes that there are numerous documents which refer to his scheduling  
3 and/or assignments while working for the Burbank Police Department which may be responsive  
4 to this request. The Responding Party does not have those documents in his possession, custody  
5 and/or control. Discovery is ongoing and the Responding Party reserves the right to amend this  
6 response when more information becomes known.

7 **FACTUAL AND LEGAL REASONS FOR COMPELLING FURTHER RESPONSE TO**  
8 **SPECIAL INTERROGATORY NO. 69:**

9 Plaintiff's objections fail for a number of reasons. First, by not filing timely responses  
10 plaintiff has waived his objection. *Sinaiko Healthcare Consulting, Inc. v. Pacific Healthcare*  
11 *Consultants* (2007) 148 Cal.App.4th 390, 403-404(citing C.C.P. §§ 2030.290, subd. (a);  
12 2031.300, subd. (a)). Second, the objections that the interrogatory calls for expert opinion and is  
13 not full and complete in and of itself are so baseless as to be nonsensical and have no application  
14 based on a straightforward reading of the interrogatory. Some of these objections make no sense  
15 at all, and none of them should reasonably justify a complete failure to respond to City's  
16 discovery requests. See C.C.P. § 2030.300(a)(3) (stating that a party may bring a motion to  
17 compel if an objection "is without merit or too general."); see, e.g., *Standon Co. v. Superior Court*  
18 (1990) 225 Cal. App. 3d 898, 901 (noting that the responding party's numerous objections based  
19 on vagueness and ambiguity, for example, were merely "'nuisance' objection[s]" that could not  
20 be relied upon to refuse to respond to the propounding party's discovery requests).

21 In paragraph 9 of his complaint, plaintiff alleges that "plaintiff was given the less  
22 desirable assignment in the unit, even though at the time he had more narcotics seizures than any  
23 other officer in the department.". This interrogatory asks that he identify any documents  
24 supporting plaintiff's allegations that this occurred. Instead, plaintiff recites baseless objections  
25 and a response that while assuring that there are documents which meet the request, refuses to  
26 identify any of them. In short, this answer is nonresponsive.

27 Importantly, plaintiff never disputed these points when they were raised in the meet and  
28 confer letter So, essentially, there is no dispute here, only a failure and refusal to provide a

1 straightforward, full and complete response required by C.C.P. § 2030.220 (a) and (b), apparently  
2 to prevent City from adequately preparing for trial.  
3

4 **SPECIAL INTERROGATORY NO. 70:**

5 State each and every fact (including to whom, how, and the date the report was made) that  
6 supports YOUR contention in paragraph 12 of YOUR COMPLAINT that "plaintiff reported the  
7 ... disparate and discriminatory treatment" described in that paragraph "and the instigator ... was  
8 reassigned back to the patrol division."

9 **RESPONSE TO SPECIAL INTERROGATORY NO. 70:**

10 Objection. Calls for legal conclusion and/or expert opinion beyond the purview of the  
11 Responding Party. Further, this interrogatory calls for speculation, lacks foundation and assumes  
12 facts not in evidence. Without waiving the foregoing objection, the Responding Party responds  
13 as follows: Responding Party reported the disparate and discriminatory treatment described in  
14 these Interrogatories, and the instigator was assigned back the patrol division. Discovery is  
15 ongoing and the Responding Party reserves the right to amend this response when more  
16 information becomes known.

17 **FACTUAL AND LEGAL REASONS FOR COMPELLING FURTHER RESPONSE TO**  
18 **SPECIAL INTERROGATORY NO. 70:**

19 Plaintiff's objections fail for a number of reasons. First, by not filing timely responses  
20 plaintiff has waived his objection. *Sinaiko Healthcare Consulting, Inc. v. Pacific Healthcare*  
21 *Consultants* (2007) 148 Cal.App.4th 390, 403-404 (citing C.C.P. §§ 2030.290, subd. (a);  
22 2031.300, subd. (a)). Second, the objections that the interrogatory lacks foundation and calls for  
23 expert opinion are so baseless as to be nonsensical and have no application based on a  
24 straightforward reading of the interrogatory. Some of these objections make no sense at all, and  
25 none of them should reasonably justify plaintiff's refusal to fully respond to this interrogatory.  
26 See C.C.P. § 2030.300(a)(3) (stating that a party may bring a motion to compel if an objection "is  
27 without merit or too general."); *see, e.g., Standon Co. v. Superior Court* (1990) 225 Cal. App. 3d  
28 898, 901 (noting that the responding party's numerous objections based on vagueness and

1 ambiguity, for example, were merely "'nuisance' objection[s]" that could not be relied upon to  
2 refuse to respond to the propounding party's discovery requests).

3 In paragraph 12 of his complaint, plaintiff alleges that he was "reported the disparate and  
4 discriminatory treatment described and the instigator was reassigned back to the patrol division."  
5 This interrogatory asks that he elaborate on the facts, the dates and the context which support  
6 this allegation. Instead, plaintiff recites baseless objections and then reiterates the allegations  
7 without any further clarification. Plaintiff's response is clearly an attempt to obfuscate a simple  
8 question with an improper and much broader and vaguer response. This clearly violates  
9 plaintiff's duty to provide a straightforward response to this interrogatory. In short, this answer  
10 is non-responsive.

11 Importantly, plaintiff never disputed these points when they were raised in the meet and  
12 confer letter. So, essentially, there is no dispute here, only a failure and refusal to provide a  
13 straightforward, full and complete response required by C.C.P. § 2030.220 (a) and (b),  
14 apparently to prevent City from adequately preparing for trial.

15  
16 **SPECIAL INTERROGATORY NO. 73:**

17 State each and every fact that supports YOUR contention in paragraph 15 of YOUR  
18 COMPLAINT that Lt. Eric Rosoff was "Sgt. Yadon's close personal friend, business partner and  
19 confidant."

20 **RESPONSE TO SPECIAL INTERROGATORY NO. 73:**

21 Objection. Calls for legal conclusion and/or expert opinion beyond the purview of the  
22 Responding Party. Further, this interrogatory calls for speculation, lacks foundation and assumes  
23 facts not in evidence. Without waiving the foregoing objection, the Responding Party responds  
24 as follows: Responding Party is informed and believes that Eric Rosoff was Sgt. Yadon's close,  
25 personal friend, business partner and confidant. Discovery is ongoing and the Responding Party  
26 reserves the right to amend this response when more information becomes known.

27 **FACTUAL AND LEGAL REASONS FOR COMPELLING FURTHER RESPONSE TO**  
28 **SPECIAL INTERROGATORY NO. 73:**

Plaintiff's objections fail for a number of reasons. First, by not filing timely responses plaintiff has waived his objection. *Sinaiko Healthcare Consulting, Inc. v. Pacific Healthcare Consultants* (2007) 148 Cal.App.4th 390, 403-404 (citing C.C.P. §§ 2030.290, subd. (a); 2031.300, subd. (a)). Second, the objections that the interrogatory lacks foundation and is not full and complete in and of itself is so baseless as to be nonsensical and have no application based on a straightforward reading of the interrogatory. Some of these objections make no sense at all, and none of them should reasonably justify plaintiff's refusal to fully respond to this interrogatory. See C.C.P. § 2030.300(a)(3) (stating that a party may bring a motion to compel if an objection "is without merit or too general."); see, e.g., *Standon Co. v. Superior Court* (1990) 225 Cal. App. 3d 898, 901 (noting that the responding party's numerous objections based on vagueness and ambiguity, for example, were merely "'nuisance' objection[s]" that could not be relied upon to refuse to respond to the propounding party's discovery requests).

In paragraph 15 of his complaint, plaintiff alleges that Lt. Eric Rosoff was "Sgt. Yadon's close personal friend, business partner and confidant." This interrogatory asks that he elaborate on the facts, the dates and the context which support this allegation. Instead, plaintiff recites baseless objections and then simply reiterates the allegation on the complaint without any further clarification. Plaintiff's response is clearly an attempt to obfuscate a simple question with an improper and much broader and vaguer response. This clearly violates plaintiff's duty to provide a straightforward response to this interrogatory. In short, this answer is non-responsive.

Importantly, plaintiff never disputed these points when they were raised in the meet and confer letter. So, essentially, there is no dispute here, only a failure and refusal to provide a straightforward, full and complete response required by C.C.P. § 2030.220 (a) and (b), apparently to prevent City from adequately preparing for trial.

**SPECIAL INTERROGATORY NO. 88:**

State each and every fact (including specific actions, speaker(s) and dates) that supports YOUR contention in paragraph 32 of YOUR COMPLAINT that YOU were "subjected to unlawful harassment based upon race, ancestry and national origin, among other things" while

1 working for the City.

2 **RESPONSE TO SPECIAL INTERROGATORY NO. 88:**

3 Objection. This interrogatory is duplicative of Interrogatory No. 85 and, therefore, could  
4 only have been propounded to harass, vex and/or annoy Responding Party. The response to this  
5 interrogatory is identical to the response to Interrogatory No. 85.

6 **FACTUAL AND LEGAL REASONS FOR COMPELLING FURTHER RESPONSE TO**  
7 **SPECIAL INTERROGATORY NO. 88:**

8 Plaintiff's objections fail for a number of reasons. First, by not filing timely responses  
9 plaintiff has waived his objection. *Sinaiko Healthcare Consulting, Inc. v. Pacific Healthcare*  
10 *Consultants* (2007) 148 Cal.App.4th 390, 403-404 (citing C.C.P. §§ 2030.290, subd. (a);  
11 2031.300, subd. (a)). Second, the interrogatory is not duplicative of Interrogatory No. 85.  
12 Interrogatory No. 85 asked about facts to support plaintiff's claims of discrimination, not  
13 harassment. Thus, this objection is utterly unfounded.

14 Furthermore, plaintiff's answer to Interrogatory No. 85, plaintiff merely states  
15 "Responding Party is informed and believes that he was subjected to disparate treatment based  
16 upon race, ancestry and national origin, among things while working for the City of Burbank as  
17 a Burbank police officer. Responding Party is informed and believes that the conduct described  
18 in response to previous interrogatories is responsive to this request." Once again this is non-  
19 responsive.

20 Importantly, plaintiff never disputed these points when they were raised in the meet and  
21 confer letter So, essentially, there is no dispute here, only a failure and refusal to provide a  
22 straightforward, full and complete response required by C.C.P. § 2030.220 (a) and (b), apparently  
23 to prevent City from adequately preparing for trial.

24  
25 **SPECIAL INTERROGATORY NO. 89:**

26 Identify all witnesses (by name, address and telephone number) to the facts set forth in  
27 YOUR response to Interrogatory No. 88.

1           **RESPONSE TO SPECIAL INTERROGATORY NO. 89:**

2           Objection. This interrogatory is duplicative of Interrogatory No. 86 and, therefore, could  
3 only have been propounded to harass, vex and/or annoy Responding Party. The response to this  
4 interrogatory is identical to the response to Interrogatory No. 86.

5           **FACTUAL AND LEGAL REASONS FOR COMPELLING FURTHER RESPONSE TO**  
6 **SPECIAL INTERROGATORY NO. 89:**

7           Plaintiff's objections fail for a number of reasons. First, by not filing timely responses  
8 plaintiff has waived his objection. *Sinaiko Healthcare Consulting, Inc. v. Pacific Healthcare*  
9 *Consultants* (2007) 148 Cal.App.4th 390, 403-404(citing C.C.P. §§ 2030.290, subd. (a);  
10 2031.300, subd. (a).). Second, plaintiff's objection is baseless. Interrogatory 89 is not duplicative  
11 of Interrogatory No. 86. Interrogatory No. 86 asks for witnesses to discrimination. Interrogatory  
12 89 asks about witnesses to harassment. Thus, this objection is unfounded.

13           Furthermore, plaintiff's response to Interrogatory No. 86 is simply "All witnesses  
14 identified in response to requests in these responses are response to this request." Thus, the  
15 response to Interrogatory No. 86 is inadequate and plaintiff's reference to it is as well.

16           Importantly, plaintiff never disputed these points when they were raised in the meet and  
17 confer letter. So, essentially, there is no dispute here, only a failure and refusal to provide a  
18 straightforward, full and complete response required by C.C.P. § 2030.220 (a) and (b), apparently  
19 to prevent City from adequately preparing for trial.

20  
21           **SPECIAL INTERROGATORY NO. 90:**

22           Identify all DOCUMENTS (by author, title and date) that reflect, refer to, relate to or  
23 support the facts set forth in YOUR response to Interrogatory No. 88.

24           **RESPONSE TO SPECIAL INTERROGATORY NO. 90:**

25           Objection. This interrogatory is duplicative of Interrogatory No. 87 and, therefore, could  
26 only have been propounded to harass, vex and/or annoy Responding Party. The response to this  
27 interrogatory is identical to the response to Interrogatory No. 87.



1 **FACTUAL AND LEGAL REASONS FOR COMPELLING FURTHER RESPONSE TO**  
2 **SPECIAL INTERROGATORY NO. 90:**

3 Plaintiff's objections fail for a number of reasons. First, by not filing timely responses  
4 plaintiff has waived his objection. *Sinaiko Healthcare Consulting, Inc. v. Pacific Healthcare*  
5 *Consultants* (2007) 148 Cal.App.4th 390, 403-404(citing C.C.P. §§ 2030.290, subd. (a);  
6 2031.300, subd. (a)). Second, plaintiff's objections is baseless. Interrogatory No. 90 is not  
7 duplicative of Interrogatory No. 87. Interrogatory No. 87 asks plaintiff to identify documents  
8 supporting his allegation of discrimination. Interrogatory No. 90 asks plaintiff to identify  
9 documents supporting his claim of harassment. Thus, plaintiff's objection is baseless.

10 Furthermore, plaintiff's response to Interrogatory No. 87 is that "[a]ll documents  
11 identified in responses to these interrogatories are responsive to this request." Since no  
12 documents have been previously identified, this answer is unresponsive.

13 Importantly, plaintiff never disputed these points when they were raised in the meet and  
14 confer letter. So, essentially, there is no dispute here, only a failure and refusal to provide a  
15 straightforward, full and complete response required by C.C.P. § 2030.220 (a) and (b), apparently  
16 to prevent City from adequately preparing for trial.

17  
18 **SPECIAL INTERROGATORY NO. 103:**

19 If you contend that you exercised rights under the Public Safety Officers' Procedural Bill  
20 of Rights Act while employed by the City, state each and every fact that supports this contention,  
21 including the nature of and date of such actions.

22 **RESPONSE TO SPECIAL INTERROGATORY NO. 103:**

23 Objection. Calls for legal conclusion and/or expert opinion beyond the purview of the  
24 Responding Party. Further, this interrogatory calls for speculation, lacks foundation and assumes  
25 facts not in evidence. Without waiving the foregoing objection, the Responding Party responds  
26 as follows: The Responding Party is informed and believes that the conduct responsive to this  
27 request, includes without limitation, the following:

28 a. Scrutinizing Responding Party's work more carefully than Caucasian officers.

1 Discovery is ongoing and the responding party reserves the right to amend this response when  
2 more information becomes known.

3 b. Causing false charges to be filed against the Responding Party including initiating  
4 personal complaints, or claims of misconduct against them, among other things, as more fully  
5 described above. Discovery is ongoing and the responding party reserves the right to amend this  
6 response when more information becomes known.

7 c. Failing to properly investigate claims of harassment, discrimination and retaliation,  
8 and the additional failure to appropriately impose discipline on the offending employees, among  
9 other things, as more fully described above. Discovery is ongoing and the responding party  
10 reserves the right to amend this response when more information becomes known.

11 d. Attempting to terminate, demote, or otherwise discipline the Responding Party,  
12 among other things, as more fully described above. Discovery is ongoing and the responding  
13 party reserves the right to amend this response when more information becomes known.

14 e. Improperly following the officers on their daily routines, and harassing them to  
15 force them out of the Department, among other things, as more fully described above. Discovery  
16 is ongoing and the responding party reserves the right to amend this response when more  
17 information becomes known.

18 f. Placing officers on administrative leave, removing them from positions of  
19 authority, and making difficult and demeaning assignments to seasoned officers only after they  
20 have filled complaints of discrimination, harassment or retaliation. Discovery is ongoing and the  
21 responding party reserves the right to amend this response when more information becomes  
22 known.

23 g. Failing to follow standard investigatory procedures into complaints of misconduct  
24 and/or poor performance lodged against the individual Responding Party herein, by failing to  
25 complete the investigation with one (1) year, among other things. Discovery is ongoing and the  
26 Responding Party reserves the right to amend this response when more information becomes  
27 known.

28

1 **FACTUAL AND LEGAL REASONS FOR COMPELLING FURTHER RESPONSE TO**  
2 **SPECIAL INTERROGATORY NO. 103:**

3 Plaintiff's objections fail for a number of reasons. First, by not filing timely responses  
4 plaintiff has waived his objection. *Sinaiko Healthcare Consulting, Inc. v. Pacific Healthcare*  
5 *Consultants* (2007) 148 Cal.App.4th 390, 403-404 (citing C.C.P. §§ 2030.290, subd. (a);  
6 2031.300, subd. (a)). Second, the objections that the interrogatory lacks foundation and calls for  
7 an expert opinion are so baseless as to be nonsensical and have no application based on a  
8 straightforward reading of the interrogatory. Some of these objections make no sense at all, and  
9 none of them should reasonably justify plaintiff's refusal to fully respond to this interrogatory.  
10 See C.C.P. § 2030.300(a)(3) (stating that a party may bring a motion to compel if an objection "is  
11 without merit or too general."); *see, e.g., Standon Co. v. Superior Court* (1990) 225 Cal. App. 3d  
12 898, 901 (noting that the responding party's numerous objections based on vagueness and  
13 ambiguity, for example, were merely "'nuisance' objection[s]" that could not be relied upon to  
14 refuse to respond to the propounding party's discovery requests).

15 In his complaint, plaintiff alleges that he exercised his rights under the Police Officers'  
16 Procedural Bill of Rights Act. This interrogatory asks that he elaborate on the facts, the dates  
17 and the context which support this allegation. Instead, plaintiff recites baseless objections and  
18 offers a list of allegedly discriminatory acts which do not relate to the interrogatory at all.

19 Importantly, plaintiff never disputed these points when they were raised in the meet and  
20 confer letter. So, essentially, there is no dispute here, only a failure and refusal to provide a  
21 straightforward, full and complete response required by C.C.P. § 2030.220 (a) and (b),  
22 apparently to prevent City from adequately preparing for trial.

23  
24 **SPECIAL INTERROGATORY NO. 109:**

25 State each and every fact that supports YOUR contention in paragraphs 67 and 68 of  
26 YOUR COMPLAINT that the conduct of defendants in violation of the Public Safety Officers'  
27 Procedural Bill of Rights Act "was done with malice and with a conscious disregard for plaintiff's  
28 rights, and with the intent, design and purpose of injuring the plaintiff" and was "willful,

1 knowing, and intentional.”

2 **RESPONSE TO SPECIAL INTERROGATORY NO. 109:**

3 Objection. Calls for legal conclusion and/or expert opinion beyond the purview of the  
4 Responding Party. Further, this interrogatory calls for speculation, lacks foundation and assumes  
5 facts not in evidence. Without waiving the foregoing objection, the Responding Party responds  
6 as follows: The Responding Party is informed and believes that the conduct of Defendants as  
7 alleged in the complaint was done with malice and with a conscious disregard for Responding  
8 Party’s rights, and for the purpose of injuring the Responding Party and was willful, knowing and  
9 intentional. Discovery is ongoing and the Responding Party reserves the right to amend this  
10 response when more information becomes known.

11 **FACTUAL AND LEGAL REASONS FOR COMPELLING FURTHER RESPONSE TO**  
12 **SPECIAL INTERROGATORY NO. 109:**

13 Plaintiff’s objections fail for a number of reasons. First, by not filing timely responses  
14 plaintiff has waived his objection. *Sinaiko Healthcare Consulting, Inc. v. Pacific Healthcare*  
15 *Consultants* (2007) 148 Cal.App.4th 390, 403-404 (citing C.C.P. §§ 2030.290, subd. (a);  
16 2031.300, subd. (a)). Second, the objections that the interrogatory lacks foundation and calls for  
17 an expert opinion are so baseless as to be nonsensical and have no application based on a  
18 straightforward reading of the interrogatory. Some of these objections make no sense at all, and  
19 none of them should reasonably justify plaintiff’s refusal to fully respond to this interrogatory.  
20 See C.C.P. § 2030.300(a)(3) (stating that a party may bring a motion to compel if an objection “is  
21 without merit or too general.”); *see, e.g., Standon Co. v. Superior Court* (1990) 225 Cal. App. 3d  
22 898, 901 (noting that the responding party’s numerous objections based on vagueness and  
23 ambiguity, for example, were merely “‘nuisance’ objection[s]” that could not be relied upon to  
24 refuse to respond to the propounding party’s discovery requests).

25 In paragraphs 67 and 68 of his complaint, plaintiff alleges that the conduct of defendant  
26 is in violation of the Public Safety Officers’ Procedural Bill of Rights Act, “was done with  
27 malice and with a conscious disregard for plaintiff’s rights and with the intent, design and  
28 purpose of injuring plaintiff.” This interrogatory asks that he elaborate on the facts, the dates

1 and the context which support this allegation. Instead, plaintiff recites baseless objections and  
2 reiterates the allegations in the complaint without further clarification. Plaintiff's response is  
3 clearly an attempt to obfuscate a simple question with an improper and much broader and vaguer  
4 response. This clearly violates plaintiff's duty to provide a straightforward response to this  
5 interrogatory.

6 Importantly, plaintiff never disputed these points when they were raised in the meet and  
7 confer letter. So, essentially, there is no dispute here, only a failure and refusal to provide a  
8 straightforward, full and complete response required by C.C.P. § 2030.220 (a) and (b), apparently  
9 to prevent City from adequately preparing for trial.

10  
11 **FORM INTERROGATORIES IN DISPUTE**

12 **FORM INTERROGATORY NO. 210.3:**

13 Will you lose income, benefits, or earning capacity in the future as a result of any  
14 ADVERSE EMPLOYMENT ACTION? If so, state the total amount of income, benefits, or  
15 earning capacity you expect to lose, and how the amount was calculated.

16 **RESPONSE TO FORM INTERROGATORY NO. 210.3:**

17 Objection, calls for a legal conclusion and/or expert opinion beyond the purview of the  
18 responding party. This request is further objectionable in that it calls for speculation, lacks  
19 foundation and calls for information under the attorney/client and/or work product privileges.  
20 Without waiving the foregoing objections the responding party replies as follows: The  
21 responding party believes that he will continue to lose income as a result of the ADVERSE  
22 EMPLOYMENT ACTION. Discovery is ongoing and the responding party reserves the right to  
23 amend this response when more information becomes known. Discovery is ongoing and this  
24 responding party reserves the right to amend this response when more information becomes  
25 known.

26 ///

27 ///

28 .

1 **FACTUAL AND LEGAL REASONS FOR COMPELLING FURTHER RESPONSE TO**  
2 **FORM INTERROGATORY NO. 210.3:**

3 Plaintiff's objections fail for a number of reasons. First, by not filing timely responses  
4 plaintiff has waived his objection. *Sinaiko Healthcare Consulting, Inc. v. Pacific Healthcare*  
5 *Consultants* (2007) 148 Cal.App.4th 390, 403-404 (citing C.C.P. §§ 2030.290, subd. (a);  
6 2031.300, subd. (a).). Second, the objections that the interrogatory lacks foundation and calls for  
7 an expert opinion are so baseless as to be nonsensical and have no application based on a  
8 straightforward reading of the interrogatory. Some of these objections make no sense at all, and  
9 none of them should reasonably justify plaintiff's refusal to fully respond to this interrogatory.  
10 See C.C.P. § 2030.300(a)(3) (stating that a party may bring a motion to compel if an objection "is  
11 without merit or too general."); *see, e.g., Standon Co. v. Superior Court* (1990) 225 Cal. App. 3d  
12 898, 901 (noting that the responding party's numerous objections based on vagueness and  
13 ambiguity, for example, were merely "'nuisance' objection[s]" that could not be relied upon to  
14 refuse to respond to the propounding party's discovery requests).

15 This form interrogatory (approved by the Judicial Counsel) asks plaintiff how much  
16 income he expects to lose as a result of the adverse employment action. Plaintiff does not  
17 respond. Instead, plaintiff recites baseless objections and states that while he will lose income  
18 he will not say how much.

19 Importantly, plaintiff never disputed these points when they were raised in the meet and  
20 confer letter. So, essentially, there is no dispute here, only a failure and refusal to provide a  
21 straightforward, full and complete response required by C.C.P. § 2030.220 (a) and (b),  
22 apparently to prevent City from adequately preparing for trial.

23  
24 **FORM INTERROGATORY NO. 210.4:**

25 Have you attempted to minimize the amount of your lost income? If so, describe how; if  
26 not, explain why not.

27 ///

1                   **RESPONSE TO FORM INTERROGATORY NO. 210.4:**

2                   Objection, calls for a legal conclusion and/or expert opinion beyond the purview of the  
3                   responding party. This request is further objectionable in that it calls for speculation, lacks  
4                   foundation and calls for information under the attorney/client and/or work product privileges.  
5                   Without waiving the foregoing objections the responding party replies as follows: Yes. The  
6                   responding party has attempted to obtain gainful employment on a regular basis since the date of  
7                   his termination, without success. Discovery is ongoing and the responding party reserves the  
8                   right to amend this response when more information becomes known.

9                   **FACTUAL AND LEGAL REASONS FOR COMPELLING FURTHER RESPONSE TO**  
10                  **FORM INTERROGATORY NO. 210.4:**

11                  Plaintiff's objections fail for a number of reasons. First, by not filing timely responses  
12                  plaintiff has waived his objection. *Sinaiko Healthcare Consulting, Inc. v. Pacific Healthcare*  
13                  *Consultants* (2007) 148 Cal.App.4th 390, 403-404 (citing C.C.P. §§ 2030.290, subd. (a);  
14                  2031.300, subd. (a)). Second, the objections that the interrogatory lacks foundation and calls for  
15                  an expert opinion are so baseless as to be nonsensical and have no application based on a  
16                  straightforward reading of the interrogatory. Some of these objections make no sense at all, and  
17                  none of them should reasonably justify plaintiff's refusal to fully respond to this interrogatory.  
18                  See C.C.P. § 2030.300(a)(3) (stating that a party may bring a motion to compel if an objection "is  
19                  without merit or too general."); *see, e.g., Standon Co. v. Superior Court* (1990) 225 Cal. App. 3d  
20                  898, 901 (noting that the responding party's numerous objections based on vagueness and  
21                  ambiguity, for example, were merely "'nuisance' objection[s]" that could not be relied upon to  
22                  refuse to respond to the propounding party's discovery requests).

23                  This form interrogatory (approved by the Judicial Counsel) asks that plaintiff elaborate  
24                  on the ways he has sought to minimize his damages. Plaintiff responds by reciting baseless  
25                  objections and stating that he looked for work without offering any particulars on this job  
26                  search.

27                  Importantly, plaintiff never disputed these points when they were raised in the meet and  
28                  confer letter. So, essentially, there is no dispute here, only a failure and refusal to provide a

straightforward, full and complete response required by C.C.P. § 2030.220 (a) and (b),  
apparently to prevent City from adequately preparing for trial.

**FORM INTERROGATORY NO. 215.1:**

Have YOU OR ANYONE ACTING ON YOUR BEHALF interviewed any individual  
concerning the ADVERSE EMPLOYMENT ACTION? If so, for each individual state:

- (a) the name, ADDRESS, and telephone number of the individual interviewed;
- (b) the date of the interview; and
- (c) the name, ADDRESS, and telephone number of the PERSON who  
conducted the interview.

**RESPONSE TO FORM INTERROGATORY NO. 215.1:**

Objection, calls for information protected by the attorney-client and/or work product  
privileges. Without waiving the foregoing objections the responding party replies as follows:  
The responding party has conducted no non-privileged interviews. Discovery is ongoing and this  
responding party reserves the right to amend this response when more information becomes  
known.

**FACTUAL AND LEGAL REASONS FOR COMPELLING FURTHER RESPONSE TO  
FORM INTERROGATORY NO. 215.1:**

This form interrogatory (approved by the Judicial Counsel) asks that plaintiff to tell about  
the interviews conducted relating to this case. Plaintiff responds by reciting baseless objections  
and alluding to the fact that interviews were conducted but that they are privileged.

Plaintiff's objections fail for a number of reasons. First, by not filing timely responses  
plaintiff has waived his objections including those based on privilege. *Sinaiko Healthcare  
Consulting, Inc. v. Pacific Healthcare Consultants* (2007) 148 Cal.App.4th 390, 403-404 (citing  
C.C.P. §§ 2030.290, subd. (a); 2031.300, subd. (a).). Second, no privilege log was produced.

Importantly, plaintiff never disputed these points when they were raised in the meet and  
confer letter So, essentially, there is no dispute here, only a failure and refusal to provide a  
straightforward, full and complete response required by C.C.P. § 2030.220 (a) and (b),



1 apparently to prevent City from adequately preparing for trial.

2  
3 **FORM INTERROGATORY NO. 215.2:**

4 Have YOU OR ANYONE ACTING ON YOUR BEHALF obtained a written or recorded  
5 statement from any individual concerning the ADVERSE EMPLOYMENT ACTION? If so, for  
6 each statement state:

7 (a) the name, ADDRESS, and telephone number of the individual from whom the  
8 statement was obtained;

9 (b) the name, ADDRESS, and telephone number of the individual who obtained the  
10 statement;

11 (c) the date the statement was obtained; and

12 (d) the name, ADDRESS, and telephone number of each PERSON who has the  
13 original statement or a copy.

14 **RESPONSE TO FORM INTERROGATORY NO. 215.2:**

15 Objection, calls for information protected by the attorney-client and/or work product  
16 privileges. Without waiving the foregoing objections the responding party replies as follows:  
17 The responding party has conducted no non-privileged interviews. Discovery is ongoing and this  
18 responding party reserves the right to amend this response when more information becomes  
19 known.

20 **FACTUAL AND LEGAL REASONS FOR COMPELLING FURTHER RESPONSE TO**  
21 **FORM INTERROGATORY NO. 215.2:**

22 This form interrogatory (approved by the Judicial Counsel) asks that plaintiff to tell about  
23 the written or recorded statements relating to this case. Plaintiff responds by reciting baseless  
24 objections and alluding to the fact that interviews were conducted but that they are privileged.

25 Plaintiff's objections fail for a number of reasons. First, by not filing timely responses  
26 plaintiff has waived his objections including those based on privilege. *Sinaiko Healthcare*  
27 *Consulting, Inc. v. Pacific Healthcare Consultants* (2007) 148 Cal.App.4th 390, 403-404 (citing  
28 C.C.P. §§ 2030.290, subd. (a); 2031.300, subd. (a)). Second, no privilege log was produced.

1           Importantly, plaintiff never disputed these points when they were raised in the meet and  
2 confer letter So, essentially, there is no dispute here, only a failure and refusal to provide a  
3 straightforward, full and complete response required by C.C.P. § 2030.220 (a) and (b),  
4 apparently to prevent City from adequately preparing for trial.  
5  
6

7       Dated: February 11, 2010

Burke, Williams & Sorensen, LLP  
Kristin A. Pelletier  
Robert J. Tyson

10       By: 

Robert J. Tyson  
Attorneys for Defendant  
City of Burbank

**PROOF OF SERVICE**

I, Sandy Arangio, declare:

I am a citizen of the United States and employed in Los Angeles County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 444 South Flower Street, Suite 2400, Los Angeles, California 90071-2953. On December 29, 2009, I served a copy of the within document(s):

**SEPARATE STATEMENT OF DEFENDANT'S SPECIAL INTERROGATORIES AND PLAINTIFF'S RESPONSES IN DISPUTE**

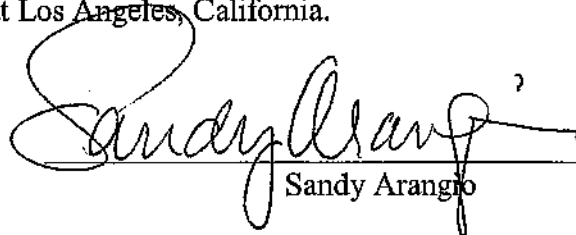
X by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California addressed as set forth below.

Solomon E. Gresen, Esq.  
Law Offices of Rheuban & Gresen  
15910 Ventura Blvd., Suite 1610  
Encino, CA 91436

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on February 11, 2009, at Los Angeles, California.

  
Sandy Arangio